

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 08cr240
v. : U.S. Courthouse
DINO CALABRO, : Brooklyn, New York
Defendant. : January 30, 2009
: 10:00 a.m.

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TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE BRIAN M. COGAN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: BENTON J. CAMPBELL
United States Attorney
By: ELIZABETH GEDDES
JAMES GATTA
Assistant U.S. Attorneys
271 Cadman Plaza East
Brooklyn, New York 11201

For the Defendant: LEE GINSBERG, ESQ.
RICHARD JASPER, ESQ.
JAMES BRANDON, ESQ.

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Proceedings recorded by mechanical stenography, transcript
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1 (Open court-case called-appearances noted.)

2 THE COURT: Good morning, Mr. Calabro.

3 THE DEFENDANT: Good morning.

4 MR. BRANDON: Jim Brandon. I'm also here in the
5 capacity of Curcio counsel.

6 THE COURT: The government did file a letter noting
7 a potential Curcio issue here. Let me start by asking Mr.
8 Calabro, have you had a chance to discuss that issue with your
9 counsel?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you wish to retain Mr. Ginsberg as
12 your counsel under those circumstances?

13 THE DEFENDANT: I understand that there's a
14 conflict.

15 THE COURT: You have the right to waive that
16 conflict if you want. The question is, do you want to?

17 THE DEFENDANT: No, I don't want to waive it.

18 MR. BRANDON: Mr. Calabro does not want to waive his
19 conflict of interest. We have discussed that and he has had
20 that conversation with Mr. Ginsberg also.

21 THE COURT: Is that right, Mr. Calabro?

22 THE DEFENDANT: Yes, it is.

23 THE COURT: And you're sure you want to replace Mr.
24 Ginsberg?

25 THE DEFENDANT: That's correct.

1 THE COURT: You have the absolute right to not only
2 have an attorney who is conflict free but to replace an
3 attorney anytime that you want to. You're going to exercise
4 that right and replace Mr. Ginsberg?

5 THE DEFENDANT: Yes, yes, sir.

6 THE COURT: Do we know yet by whom Mr. Ginsberg is
7 going to be replaced?

8 MR. GINSBERG: We don't know yet, your Honor.
9 Obviously, I have been representing him for some period of
10 time and I've spoken to him about new counsel and retaining
11 new counsel and that's going to take some time to do it.

12 Fortunately, I suppose, in this kind of a situation,
13 since Mr. Jasper is on the case as learned counsel already, he
14 still will be represented during this period of time while
15 he's seeking new counsel to replace me.

16 THE COURT: All right.

17 Do you or Mr. Jasper have a view as to how long it
18 will take him to obtain replacement counsel?

19 MR. GINSBERG: I would say at a minimum it would be
20 two weeks. I would say between two and four weeks it will
21 probably take for financial reasons and ability to consult
22 with family and a number of lawyers possibly before he can
23 make a decision like that, particularly be in this type of a
24 case.

25 THE COURT: Mr. Jasper, do you see any problem with

1 holding both roles until he goes ahead and gets separate
2 counsel?

3 MR. JASPER: No, I do not, your Honor.

4 THE COURT: All right. Does the government see any
5 problem with that?

6 MS. GEDDES: We do not, thank you, Judge.

7 THE COURT: We have a conference in this case
8 overall scheduled for a week from today.

9 MR. GATTA: That's correct.

10 THE COURT: We'll see either Mr. Jasper, who will
11 represent the defendant at that conference, or Mr. Jasper and
12 somebody else who will represent the defendant at that
13 conference, and we'll address it further at that time.

14 All right. Anything further we need do today?

15 MS. GEDDES: Not from the government, Judge.

16 MR. GINSBERG: I don't believe so, your Honor, thank
17 you.

18 MR. BRANDON: No, Judge.

19 THE COURT: You are relieved, Mr. Ginsberg. Thank
20 you for your Curcio counsel, I appreciate it. Thank you, Mr.
21 Jasper, for covering. We are adjourned.

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